

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRYAN PURCELL, et al.,

Plaintiffs,

v.

Case No. 10-cv-13444

IMAD FADLALLAH, et al.,

Defendants.

**ORDER EXTENDING DISCOVERY AND DISPOSITIVE
MOTION DEADLINES AND AMENDING SCHEDULING ORDER**

On August 23, 2012, the court held an off-the-record telephone conference with the parties and particularly inquired whether there was any actual need for amending the February 24, 2012, Scheduling Order [Dkt. # 32] as the parties had intimated when the court's staff was organizing the conference.

The court was informed that Plaintiffs are currently appealing from an adverse result in a tenure hearing conducted before an administrative law judge. The court also learned that Defendants assert that the Plaintiff Bryan Purcell's tenure hearing could be argued as having a preclusive effect on the present litigation before this court, either in the form of res judicata or collateral estoppel. Defendants therefore requested a stay of the dispositive motion deadline until the anticipated conclusion of the tenure hearing's appeal, approximately sixty days. Plaintiffs fundamentally contest such delay, saying that it cannot be known when the tenure hearing, after all appeals have been exhausted, will be resolved.

However, the court was also informed by Plaintiffs that they have conducted little discovery to date and that they request an extension to conduct and complete some limited discovery. This case is now two years old and needs to proceed in a timely fashion. The court advised Plaintiffs that they must make whatever discovery they believe they still require a top priority. In light of the tenure hearing appeal and Plaintiffs' need for a limited discovery extension, the court will adjust the discovery and dispositive motion deadlines as follows. Accordingly,

IT IS SO ORDERED that the court's February 24, 2012 Scheduling Order [Dkt. # 32] is AMENDED as follows:

Plaintiffs shall file their supplemental witness list by **August 30, 2012**.¹

Discovery shall be completed by **September 23, 2012**.

The parties shall respond to all discovery requests to produce presented henceforth within **21 days**.²

Defendants shall file any dispositive motion by **October 23, 2012**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 24, 2012

¹ The court expects that Plaintiff's witness list will contain no more than "a few" names not earlier revealed as counsel for Plaintiffs suggested in conference, and that it will provide helpful detail in summary form as to the anticipated testimony or expected role of each witness listed.

² The court expects Plaintiffs to present their requests to produce forthwith, i.e., with ample time for Plaintiffs to comply within the 21-day period noted, but before the conclusion of the extended discovery period.

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 24, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522